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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MARY T. BOURGEOIS
11 FOR BENJAMIN BOURGEOIS,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of
Social Security,

15 Defendant.
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CASE NO. C08-5677 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AFFIRMING COMMISSIONER

18 The Magistrate Judge recommends that the Court should conclude that Benjamin Bourgeois was
19 properly found no longer eligible for supplemental security income benefits due to excess income.
20 Plaintiff has not filed objections to the Report and Recommendation.

21 As detailed by the Report and Recommendation, the Administrative Law Judge properly
22 determined that the Basic Allowance for Housing paid to Plaintiff's father, properly was deemed income
23 apportionable to Plaintiff under the Program Operations and Manual System and the Commissioner's
24 regulations.

25 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Judge
26 Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find and
27 ORDER:


28 (1) The Court adopts the Report and Recommendation;

- 1 (2) The administrative decision is **AFFIRMED**; and
- 2 (3) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's
- 3 counsel and Magistrate Judge Karen L. Strombom.
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5 DATED this 7th day of December, 2009.

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10 FRANKLIN D. BURGESS

11 UNITED STATES DISTRICT JUDGE

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